

A. G. Contract No. KR95 0229TRN  
ADOT ECS File No.: JPA 95-20  
Project: F-026-2-530/HX024 01C  
Section: US-60 @ SR-77 Signal

**INTERGOVERNMENTAL AGREEMENT**

AMONG

THE STATE OF ARIZONA,  
NAVAJO COUNTY, ARIZONA

AND

THE CITY OF SHOW LOW

THIS AGREEMENT is entered into 13 April, 1995,  
pursuant to Arizona Revised Statutes, Sections 11-951 through  
11-954, as amended, between the STATE OF ARIZONA, acting by and  
through its DEPARTMENT OF TRANSPORTATION (the "State") and  
NAVAJO COUNTY, ARIZONA, acting by and through its BOARD OF  
SUPERVISORS (the "County"), and the CITY OF SHOW LOW, acting by  
and through its MAYOR and CITY COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes  
Section 28-108 to enter into this agreement and has by  
resolution, a copy of which is attached hereto and made a part  
hereof, resolved to enter into this agreement and has delegated  
to the undersigned the authority to execute this agreement on  
behalf of the State.

2. The County is empowered by Arizona Revised Statutes  
Section 11-251 to enter into this agreement and has by  
resolution, a copy of which is attached hereto and made a part  
hereof, resolved to enter into this agreement and has  
authorized the undersigned to execute this agreement on behalf  
of the County.

3. The City is empowered by Arizona Revised Statutes  
Section 48-572 to enter into this agreement and has by  
resolution, a copy of which is attached hereto and made a part  
hereof, resolved to enter into this agreement and has  
authorized the undersigned to execute this agreement on behalf  
of the City.

THEREFORE, in consideration of the mutual agreements expressed  
herein, it is agreed as follows:

NO. <u>19647</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>04/13/95</u>
<u>James Lee Hull</u> Secretary of State
By <u>Vicky Greenward</u>

4. The State, the County and the City desire to participate in the design, construction and maintenance of a new traffic signal warranted on US-60 at the intersection of SR-77, hereinafter referred to as the Project, for the safety and benefit of the motoring public.

## II. SCOPE

### 1. The County will:

a. Provide design plans, specifications and such other documents and services required for construction. Call for bids and award one or more construction contracts for the Project, administer same and make all payments to the contractor(s). Be responsible for any contractor claims for extra compensation.

b. Be responsible for any intersection improvements that are not associated with the traffic signal. Upon completion, approve and accept the Project as complete on behalf of the parties hereto.

c. Invoice the State for seventy five percent (75%) of the reasonable direct actual cost of the Project, in the amount of \$59,641.36.

### 2. The State will:

a. Participate in the cost of the traffic signal Project in the amount of \$59,641.36. Reimburse the County within thirty days after receipt and approval of an invoice.

b. Upon completion and acceptance by the County, provide signal maintenance.

### 3. The City will:

a. Upon completion and acceptance of the Project by the County, provide electrical energy to operate the signal.

## III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project and reimbursements; provided, however, that this agreement, except any provisions herein for maintenance and electrical energy, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Joint Project Administration  
205 South 17 Avenue, Mail Drop 616E  
Phoenix, AZ 85007

Navajo County  
County Manager  
Box 668  
Holbrook, AZ 86025


City of Show Low  
City Manager  
200 West Cooley  
Show Low, AZ 85901


7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement  
the day and year first above written.

NAVAJO COUNTY, ARIZONA


CITY OF SHOW LOW

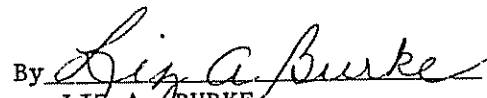
By   
Pete Shumway, Chairman  
Board of Supervisors

By   
GERRY WHIPPLE  
Mayor

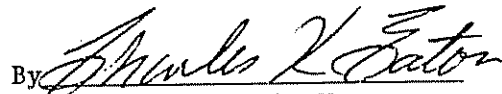
ATTEST

ATTEST

By   
SHARON KEENE-WRIGHT  
Clerk of the Board

By   
LIZ A. BURKE  
City Clerk

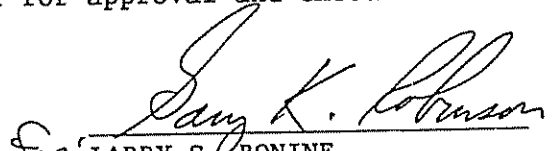
STATE OF ARIZONA  
Department of Transportation

By   
CHARLES K. EATON  
State Traffic Engineer

RESOLUTION

BE IT RESOLVED on this 26th day of January 1995, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with Navajo County and the City of Show Low for the purpose of defining responsibilities for the design, construction and maintenance of a new traffic signal on US-60 at the intersection of SR-77.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the State Traffic Engineer for approval and execution.

  
FOR LARRY S. BONINE  
Director

RESOLUTION NO. 08-95

**RESOLUTION OF THE BOARD OF SUPERVISORS  
AUTHORIZING THE CHAIRMAN TO SIGN THE INTERGOVERNMENTAL  
AGREEMENT JPA 95-20 WITH  
THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR  
INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF  
HIGHWAYS US 60, SR 77 AND PENROD ROAD**

**WHEREAS,** the Arizona Department of Transportation has found it necessary and desirable that certain improvements be made on the State Highway System within Navajo County; and

**WHEREAS,** said improvements include installation of a traffic signal at the intersection of Highways US 60, SR 77 and Penrod Road; and

**WHEREAS,** subject improvements have been justified by a signal warrant study; and


**WHEREAS,** Navajo County also desires improved road safety when its road system adjoins with the State Highway System; now

**THEREFORE, LET IT BE RESOLVED** that the Navajo County Board of Supervisors is empowered by ARS §11-251 to enter into this agreement with the State of Arizona supporting the installation of a traffic signal at the intersection of Highways US 60, SR 77 and Penrod Road and authorizes the Chairman to sign said agreement.

**PASSED AND ADOPTED** this 27th day of February, 1995, by the Board of Supervisors of Navajo County, Arizona.

  
Pete Shumway, Chairman  
Navajo County Board of Supervisors

**ATTEST:**

  
Sharon Keene-Wright  
Clerk of the Board

CITY OF SHOW LOW RESOLUTION NO. 682

A RESOLUTION OF THE MAYOR AND COUNCIL  
OF THE CITY OF SHOW LOW, ARIZONA  
APPROVING AN INTERGOVERNMENTAL  
AGREEMENT BETWEEN THE CITY OF SHOW  
LOW AND THE STATE OF ARIZONA,  
DEPARTMENT OF TRANSPORTATION, FOR THE  
PURPOSE OF DEFINING RESPONSIBILITIES FOR  
THE INSTALLATION OF A TRAFFIC SIGNAL AT  
THE JUNCTION OF U.S. HIGHWAY 60 AND STATE  
ROUTE 77

**RECITALS:**

**WHEREAS**, the Arizona Department of Transportation, Navajo County and the City of Show Low have found it necessary and desirable that a traffic signal be installed at the intersection of Highways US60 and SR77 (Penrod Road); and

**WHEREAS**, the City of Show Low currently has Intergovernmental Agreements with the State of Arizona for the operation and maintenance of other traffic signals and/or highway lighting; and

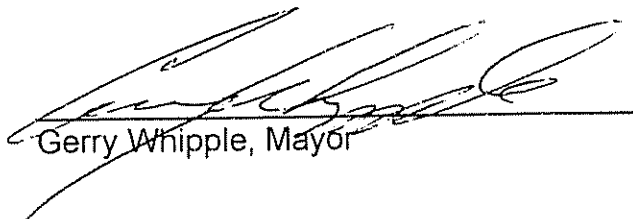
**WHEREAS**, the City of Show Low agrees to provide electrical energy to operate the signal; and

**WHEREAS**, the City of Show Low is empowered by Arizona Revised Statutes Section 48-572, and Show Low City Code Section 2-1-2 to enter into an agreement and authorize the Mayor to execute said Agreement on its behalf.

**ENACTMENTS:**

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the City of Show Low, Arizona hereby approves an Intergovernmental Agreement between the City of Show Low and the State of Arizona for the purpose of defining responsibilities for the installation and maintenance of traffic signals at the junction of US60 and SR77.

**PASSED AND ADOPTED** this 7th day of March, 1995, by the Mayor and Council of the City of Show Low, Arizona.

  
Gerry Whipple, Mayor

JPA 95-20

APPROVAL OF THE NAVAJO COUNTY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, the CITY OF SHOW LOW and NAVAJO COUNTY and declare this agreement to be in proper form and within the powers and authority granted to the County under the laws of the State of Arizona.

DATED this 27<sup>th</sup> day of February, 1995.

MUR BENJ  
County Attorney

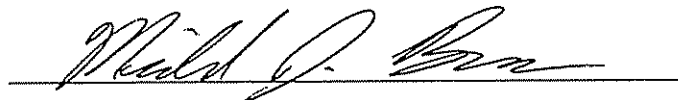


JPA 95-20

APPROVAL OF THE SHOW LOW CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, the CITY OF SHOW LOW and NAVAJO COUNTY and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 21<sup>st</sup> day of March, 1995.



City Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

GRANT WOODS  
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

MAIN PHONE : 542-5025  
TELECOPIER : 542-4085

INTERGOVERNMENTAL AGREEMENT  
DETERMINATION

A. G. Contract No. KR95-0229-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. §11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 7th day of April, 1995.

GRANT WOODS  
Attorney General

A handwritten signature in cursive script, reading "James R. Redpath", is written over a horizontal line.

JAMES R. REDPATH  
Assistant Attorney General  
Transportation Section

JRR:lsr  
8737G/111